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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,579	03/21/2005	Lutz Telljohann	P70214US0	8668
136	7590	05/18/2006	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			HINZE, LEO T	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,579

Applicant(s)

TELLJOHANN, LUTZ

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20060201</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 3-5, 7 and 9 are objected to because of the following informalities:
 - a. Regarding claim 3, "the one mechanism for supporting evaporation" in ll. 2-3 lacks the proper antecedent basis.
 - b. Regarding claim 4, it appears as if the claim is an improperly formed Markush claim. To expedite prosecution, the examiner will interpret the claim as claiming that only one of the three alternatives must be present. See MPEP §803.02.
 - c. Regarding claims 5 and 7, the period at the end of the claim is missing.
 - d. Regarding claim 9, it appears that "solutionis" in line 14 should be --solution is--.

Appropriate correction is required.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Grosshauser, US 4,753,165 (hereafter Grosshauser).

a. Regarding claim 1, Grosshauser teaches rotary printing machine with at least one ink transfer roller (6, Fig. 1), which transfers ink that particularly consists of color pigments and solutions towards a print substrate ink from an ink reservoir (4, Fig. 1), whereby the intensity of the ink on the print substrate is adjustable through the mixture ratio of the color pigments (it is an inherent property of ink that intensity of the ink on the substrate is adjustable through the mixture ratio of the color pigments) and the solution in the ink that is transferred from the machine to the print substrate characterized in that the mixture ratio of the color pigments and the solution in the ink, which is transferred by the machine onto the print substrate by means of at least one mechanism for supporting evaporation of solution (5, Fig. 1) on at least one ink transfer roller is influenceable (the mixture ration of the color pigments and the solution in the ink are inherently influenceable).

b. Regarding claim 2, Grosshauser teaches all that is claimed as discussed in the rejection of claim 1 above. Grosshauser also teaches at least one mechanism for supporting evaporation of solution (5, Fig. 1) on the ink transfer roller that has a blower which blows a suitable gas such as air onto the ink transfer roller (col. 3, ll. 65-66).

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- c. Regarding claim 4, Grosshauser teaches all that is claimed as discussed in the rejection of claim 1 above. Grosshauser also teaches at least one mechanism for supporting the evaporation of solution (9, 19) on the ink transfer roller (3, 4) with at least one of the following functional units: mechanisms for heating up of at least one of the ink transfer roller ("heated ink transport cylinder 6," col. 3, ll. 65-66).
- d. Regarding claim 7, Grosshauser teaches all that is claimed as discussed in the rejection of claim 4 above. Grosshauser also teaches that in each case in the ink transfer direction in the printing machine one mechanism for supporting evaporation of solutions (5, Fig. 1) on at least one ink transfer roller (6, Fig. 1) follows ink that is applicable onto an ink reservoir (4, Fig. 1) through which ink can be applied onto an ink transfer roller.
- e. Regarding claim 8, Grosshauser teaches all that is claimed as discussed in the rejection of claim 1 above. Grosshauser also teaches the output of mechanisms for supporting the evaporation of solution on at least one ink transfer roller in operating the printing machine can be controlled and/or regulated (the air nozzles 5 can be inherently controlled to be either on or off in conjunction with the printing machine).
- f. Regarding claim 9, Grosshauser teaches method for setting the ink intensity on a print substrate printed by a rotary printing machine whereby the rotary printing machine is equipped with at least one ink transfer roller (6, Fig. 1), which transfers ink toward a print substrate, that in particular consists of color pigments and solutions, from a ink reservoir (4, Fig. 1) in the direction of a print substrate, and whereby the intensity of the ink on the print substrate is set through the mixing ratio of the color pigments and the solution in the ink (it is an inherent property of ink that intensity of the ink on the

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substrate is adjustable through the mixture ratio of the color pigments) which is transferred by the machine characterized in that the mixing ratio of the color pigment and the solution is set by the evaporation of solution being supported on at least one ink transfer roller (5, Fig. 1; col. 3, ll. 54-56).

5. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Franklin et al., US 6,418,844 (hereafter Franklin).

a. Regarding claim 1, Franklin teaches rotary printing machine with at least one ink transfer roller (1, Fig. 1a), which transfers ink that particularly consists of color pigments and solutions towards a print substrate ink from an ink reservoir (2, Fig. 1a), whereby the intensity of the ink on the print substrate is adjustable through the mixture ratio of the color pigments (it is an inherent property of ink that intensity of the ink on the substrate is adjustable through the mixture ratio of the color pigments) and the solution in the ink that is transferred from the machine to the print substrate characterized in that the mixture ratio of the color pigments and the solution in the ink, which is transferred by the machine onto the print substrate by means of at least one mechanism for supporting evaporation of solution (10, Fig. 1a) on at least one ink transfer roller is influenceable (the mixture ration of the color pigments and the solution in the ink are inherently influenceable).

b. Regarding claim 3, Franklin teaches all that is claimed as discussed in the rejection of claim 1 above. Franklin also teaches at least the one mechanism for supporting evaporation of solution (10, Fig. 1a) on the ink transfer roller and has a sucker (10, Fig. 1a) which increases the volume flow of a suitable gas, such as air, that is led by the ink transfer roller.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grosshauser.

a. Regarding claim 5:

Grosshauser teaches all that is claimed as discussed in the rejection of claim 1 above.

Grosshauser does not teach a second ink reservoir, which is arranged in the transfer direction between the ink transfer roller and the mechanism for supporting evaporation of solutions on an ink transfer roller and through which additional ink can be applied to the in transfer roller.

It has been held that mere duplication of parts is not sufficient to patentably distinguish an invention over the prior art. See MPEP § 2144.04 (VI)(B).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Grosshauser to include a second ink reservoir, because one having ordinary skill in the art would recognize that this is merely duplication of parts, and would have the benefit of providing an additional ink reservoir for use in case the first ink reservoir were damaged, thereby reducing the downtime of the printing machine.

b. Regarding claim 6:

Grosshauser teaches all that is claimed as discussed in the rejection of claim 1 above.

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Grosshauser does not teach at least one other mechanism for supporting of evaporation of solution has an effect on at least one ink transfer roller, which influences another part of the scope of the ink transfer roller.

It has been held that mere duplication of parts is not sufficient to patentably distinguish an invention over the prior art. See MPEP § 2144.04 (VI)(B).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Grosshauser to include a second mechanism for supporting of evaporation of solution, because one having ordinary skill in the art would recognize that this is merely duplication of parts, and would have the benefit of providing an additional mechanism for supporting of evaporation of solution for use in case the first mechanism for supporting of evaporation of solution were damaged, thereby reducing the downtime of the printing machine.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

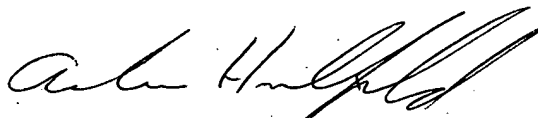
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo T. Hinze
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AU 2854
12 May 2006



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